

*Image*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TAKAKURA=6A

In re Application of:	)	Art Unit: 1652
	)	
TAKAKURA et al.	)	Examiner: C. L. Fronda
	)	
Appln. No.: 10/090,624	)	Washington, D.C.
	)	
Date Filed: March 6, 2002	)	Confirmation No. 5382
	)	
For: THERMOSTABLE PROTEASE	)	December 18, 2003

RESPONSE

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Non-Fee Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

The Office Action of December 2, 2003, primarily in the nature of a restriction requirement, has been carefully reviewed.

Restriction has been required between what the PTO deems to be two patentably distinct inventions, namely:

Group I, claims 1-5, drawn to a gene encoding a protein having thermostable activity; and

Group II, claims 6-19, drawn to a gene encoding an amino acid sequence of SIG-Ala-Gly-Gly-Asn-PRO.

In addition, there is a requirement to elect a single disclosed polynucleotide from among SEQ ID NOS:1-4 for examination.

Applicants elect with traverse Group I (claims 1-5, drawn to a gene encoding a protein having thermostable protease activity), and the amino acid sequence of SEQ ID NO:1.

The requirement for restriction between Groups I and II is traversed. The reason for traversal is based on the disclosure in the specification on page 5, lines 11-24 that "PRO" in the formula SIG-Ala-Gly-Gly-Asn-PRO represents a thermostable protease to be expressed. Thus, the gene in Groups I and II both encode a protein having thermostable protease activity. The difference is that in Group II, the gene merely further encodes a signal peptide and four additional amino acid residues at the N-terminus of the thermostable protease. Accordingly, Groups I and II are not two distinct inventions.

Insofar as the requirement to elect a single disclosed polypeptide, this requirement is respectfully traversed on the basis of the second paragraph of MPEP §803 which requires that there be a "serious burden" in order to make a restriction requirement, even if the requirement is otherwise correct. Applicant believes that there is no serious burden in examining a small number of sequences together in the same application.

Withdrawal of the restriction requirement is respectfully requested.

Appln. No. 10/090,624

Response dated December 18, 2003


Reply to Office Action of December 2, 2003

Favorable consideration and examination of all the  
claims on the merits are respectfully solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By



Allen C. Yun

Registration No. 37,971

ACY:pp

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\A\Aoyb\takakura6A\pto\RESPONSE OA 12-2-03.doc